

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

PATRICK S. DITKO, in his capacity as
Administrator of the Estate of Stephen J.
Ditko,

Defendant.

PATRICK S. DITKO, in his capacity as
Administrator of the Estate of Stephen J.
Ditko,

Counterclaimant,

v.

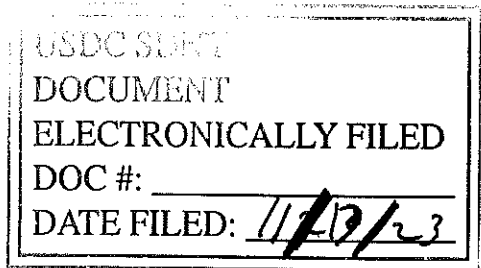
MARVEL CHARACTERS, INC. and DOES
1-10, inclusive,

Counterclaim-Defendants.

Case No.: 1:21-cv-07957-LAK

Hon. Lewis A. Kaplan

**JOINT STIPULATION REGARDING
MODIFICATION OF PRETRIAL DATE**



JOINT STIPULATION

STIPULATION

Plaintiff and Counterclaim-Defendant Marvel Characters, Inc. (“Marvel”) and Defendant and Counterclaimant Patrick S. Ditko (“Ditko”) (collectively, the “Parties”) stipulate as follows:

WHEREAS, on October 16, 2023, the Court entered its Memo Endorsement (Dkt. 116) continuing the deadline to submit the joint pretrial order to November 27, 2023;

WHEREAS, Ditko’s counsel, Mr. Toberoff, has informed the parties that his wife has close family in Israel, that his family is in turmoil, and that Mr. and Mrs. Toberoff may need to make immediate travel there to attend to them given the dire ongoing Israel-Hamas conflict;

WHEREAS, such unexpected and urgent travel will severely limit Mr. Toberoff’s ability to work on this case, including submission of the joint pretrial order;

WHEREAS, in light of Mr. Toberoff’s likely absence, Defendant-Counterclaimant Ditko has asked Marvel to agree to an extension until December 22, 2023 to submit the joint pretrial order;

WHEREAS, Marvel has advised Ditko that it does not oppose the requested extension subject to approval of the Court;

WHEREAS, these modifications will not meaningfully delay the overall progress of the case.

Based on the foregoing, **IT IS HEREBY STIPULATED** by and between the Parties, through their respective counsel of record, subject to the Court’s approval, that:

1. The deadline to file the joint pretrial order shall be continued to December 22, 2023.

Date: November 10, 2023

TOBEROFF & ASSOCIATES, P.C.

By: /s/ Marc Toberoff
Marc Toberoff

Marc Toberoff
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Telephone: (310) 246-3333

Attorneys for Patrick S. Ditko

Date: November 10, 2023

O'MELVENY & MYERS LLP

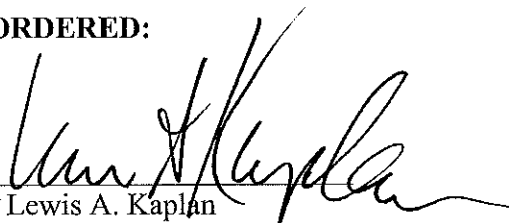
By: /s/ Daniel M. Petrocelli
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Attorneys for Marvel Characters, Inc.

SO ORDERED:


Hon. Lewis A. Kaplan
United States District Judge

DATE: 11/13/23